

REMARKS/ARGUMENTS

Applicants file herewith a Request for Continued Examination (RCE) Transmittal, the required fee, and this Amendment, which Applicants believe meets the submission requirements of 37 CFR 1.114 for an application under Final Rejection.

Applicants have amended claims 1–2, 9–10 and 12 without prejudice or disclaimer. Claims 1, 9–10 and 12 have been amended to delete the (meth)acrylate compounds. Claim 10 also has been amended to correct an obvious typographical error. Claim 2 has been amended to better conform to U.S. patent practice. No new matter has been added.

The Examiner has rejected claims 10–12 as anticipated under 35 U.S.C. § 102(b) by Kuwana et al (JP 2003/012725). Applicants have deleted (meth)acryloyloxy compounds from claim 10 and 4-(2-oxo-1,3-dioxolane-4-yl) butyl acrylate from claim 12, thereby removing from claims 10–11 the genus of compounds of which 4-(2-oxo-1,3-dioxolane-4-yl) butyl acrylate allegedly disclosed by Kuwana et al. may be a species. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 10–12 as anticipated by Kuwana et al.

The Examiner has rejected claims 1–3, 6–9, 13 and 15 as unpatentable under 35 U.S.C. § 103(a) over Pardoen et al. (US 2004/0127608) in view of Fukada et al. (US 2004/0127608), or over Pardoen et al. in view of Kuwana et al as evidenced by Fukada et al. The Examiner alleges that Pardoen et al. teach modifying a polyamine having a primary or secondary amine with a cyclic carbonate to form a urethane bond, but that Pardoen et al. do not teach the claimed or used compounds. The Examiner alleges that Fukada et al. and Kuwana et al. teach acrylate or methacrylate compounds that, combined with the teaching of Pardoen et al., render unpatentable Applicants' claims 1–3, 6–9, 13 and 15. Since Applicants have deleted reference to acrylate or methacrylate compounds from these claims, Applicants respectfully request that the Examiner withdraw his rejection of claims 1–3, 6–9, 13 and 15 as unpatentable under 35 U.S.C. § 103(a).

INTERVIEW SUMMARY

Applicants thank the Examiner for granting and holding a telephonic interview with Applicants' undersigned representative on December 30, 2009. The Examiner's Interview Summary provided on Form PTOL-413 is substantially agreed to. Applicants respectfully point out, however, that claims 1-13 and 15 were discussed; apparently an en-dash inadvertently was omitted between 1 and 13 in the number "113" under the section labeled "Claim(s) discussed".

The Examiner reiterated his view that claims 1-3, 6-13 and 15 and their dependant claims are unpatentable as anticipated or obvious since the art generally does not distinguish, from a functional perspective, the use of acrylates and methacrylates, as explained on page 4 of the pending Office action. Applicants agreed to consider deleting compounds containing acrylate, methacrylate or (meth)acrylate groups from claims 1, 9, 10 and 12 in order to continue prosecution. The Examiner stated that he expected these deletions would remove the pending grounds for rejection of claims 1, 9, 10 and 12 and the claims depending therefrom, based on the (meth)acrylate compounds disclosed by the Kuwana et al. and Fukada et al. references as detailed in the pending Office action. The Examiner noted that he had not searched all other compounds claimed or used in the claimed processes, and a new search encompassing these compounds would be required. In order to perform a search of these additional compounds and their use in Applicants' claimed process it would be necessary for Applicants to file an RCE, which Applicants file herewith.

The Examiner also discussed with Applicants' representative the present allowability of claims 4 and 5 for the reasons given in the Office action if these claims are rewritten in independent form and include all limitations of the claims from which they depend.

Although the Examiner and Applicants' representative did not reach agreement on specific, allowable claims (other than, perhaps, claims 4 and 5), the parties agreed on the next steps to be taken to advance prosecution of the application.

CONCLUSION AND PETITION FOR EXTENSION OF TIME

In view of the above amendments and the telephonic interview, Applicants believe the pending application is in condition for allowance and request prompt action in this regard.

Applicants herewith petition the Director of the U.S. Patent and Trademark Office to extend the time for reply to the Office action mailed on October 15, 2008 for two (2) months from January 15, 2009 to, and including, March 15, 2009, which is a Sunday, so that the reply is due on Monday, March 16, 2009. Applicants include with this response the required fee of \$490.00 to extend by two (2) months the time for responding to this Office action, and the required fee of \$810.00 for filing an RCE. Applicants believe these are all the fees currently owed, but any deficiency or overpayment should be charged or credited to our Deposit Account No. 03-2775, under Order No. 13744-00046-US, from which the undersigned is authorized to draw.

Respectfully submitted,

By 

Mark E. Freeman

Registration No.: 48,143

CONNOLLY BOVE LODGE & HUTZ LLP

1007 North Orange Street

P. O. Box 2207

Wilmington, Delaware 19899-2207

(302) 658-9141

(302) 658-5614 (Fax)

Attorney for Applicant